

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-10 are pending in this paper. Claim 1, which is independent, is amended. Support for this amendment is provided throughout the Specification.

No new matter has been introduced. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101 AND §103(a)**

Claims 1-7 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Claims 1-10 were rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Publication No. 2002/0164149 to Wilkinson (hereinafter, merely "Wilkinson") and further in view of U.S. Patent 6,393,206 to Yagi et al. (hereinafter, merely "Yagi").

### III. RESPONSE TO REJECTIONS

#### A. Response to Rejections Under 35 U.S.C. 101

Claims 1-7 are amended, thereby obviating the rejections.

#### B. Response to Rejections Under 35 U.S.C. 103(a)

Claim 1 recites, *inter alia*:

“A file generation apparatus for generating a file of first data to be recorded on a recording medium, the file generation apparatus comprising:

**...third generation means for generating fourth data as stuffing data which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data,**

**wherein the stuffing data has a KLV structure.”** (emphasis added)

Firstly, the Office Action (see page 5) asserts that Wilkinson teaches “**wherein the stuffing data has a KLV structure,**” as recited in claim 1. Applicants respectfully disagree. The Office Action (see page 5) concedes that Wilkinson does not teach “**third generation means for generating fourth data as stuffing data** which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data,” as recited in claim 1. Wilkinson is silent on “generating stuffing data” and “adding stuffing data”, which is asserted in the Office Action, a person of ordinary skill in the art would not recognize, by the teaching of Wilkinson, that **stuffing data** should have a KLV structure because nothing in Wilkinson suggests stuffing data.

Secondly, the Office Action (see page 6) relies on Figures 4 and 10, and column 11, lines 40-67 of Yagi to reject **“third generation means for generating fourth data as stuffing data which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data,”** as recited in claim 1.

Applicants respectfully disagree. Figure 4 of Yagi illustrates a hierarchical relation between zone areas, ECC blocks, and sectors in a recording medium. Applicants submit that Figure 4 is directed to how to set **a proper size for zone areas in a recording medium**. Figure 4, as well as the corresponding description in the Specification of Yagi, is silent on how to set a proper size when **producing and recording a file**. Although zone areas in a recording medium are set in units of ECC blocks, a file created and recorded to the zone areas may not be in units of ECC blocks, and, as a consequence, the file may be recorded in the zone areas crossing multiple ECC block boundaries. Applicants submit that Yagi fails to disclose or render predictable **“third generation means for generating fourth data as stuffing data which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data,”** as recited in claim 1.

Therefore, claim 1 is patentable.

For similar, or somewhat similar, in scope to claim 1, Claims 8-10 are therefore patentable for similar, or somewhat similar, reasons.

#### **IV. DEPENDENT CLAIMS**

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. As nothing in the prior art cited in the Office Action cures the above-identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that claim 4 is patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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